

REAL ESTATE COMMISSION
Professional & Vocational Licensing Division
Department of Regulatory Agencies
State of Hawaii

MINUTES OF MEETING

Date: Tuesday, January 18, 1966

Place: Conference Room, 424 South Beretania Street, Honolulu, Hawaii

Present: Jack K. Palk, (Oahu) Chairman Harold J. Silva, (Oahu)
Yukio Kashiwa, (Oahu) Vice Chairman Douglas R. Sodehani, (Maui)
Mrs. Dorothy S. Ahrens, (Kauai) William H. C. Young, (Oahu)
William A. Beard, (Hawaii)

Tom L. Peterson, Deputy Attorney General
Robt E. Bekeart, Executive Secretary
Roy Kodani, Law Clerk, Department of Attorney General

By Invitation:

Wesley F. Charlton, representing Real Estate Association of Hawaii
Phil B. Thomas, representing Honolulu Board of Realtors

Absent: None.

Call to Order: There being a quorum, Mr. Palk, presiding as Chairman, called the meeting to order at 1:20 p.m.

Minutes: UPON MOTION, the Commission approved the minutes of Tuesday, December 14, 1965.

Motion carried unanimously.

Financial Report: The Financial Report for the quarter ended December 31, 1965, as prepared by departmental fiscal personnel, was noted as received and filed.

Business Out of Minutes: LICENSING (Sec. 170-1. through 170-14.)

OCTOBER 22, 1965 EXAMINATION

William Lee DeVore - Salesman applicant.

The applicant's arrest record was reported to the commissioners. It was agreed that the applicant is to be advised that the Commission is taking his application for a real estate salesman license under advisement.

The Deputy Attorney General, Mr. Peterson, will study the arrest record and investigative file to determine if there are sufficient grounds on which the Commission could order a denial of issuance of license, after a proper hearing.

Mr. DeVore is to await the Commission's decision as to whether or not there will be a hearing.

SUBDIVISIONS (Sec. 170-30. through 170-38.)

SILVER CREEK ESTATES, UNITS D, E, F, G, H, and I SUBDIVISIONS

UPON MOTION, and on Mrs. Ahren's recommendation, the Commission accepts as completed the Subdivision Registration Statements on the above six (6) separate submissions.

Motion carried unanimously.

VICTOR VILLAGE, TRACTS 4749, 5236, 5763 and 5764 SUBDIVISIONS

UPON MOTION, and on Mr. Beard's recommendation, the Commission accepts as completed the Subdivision Registration Statements on the above four (4) separate submissions.

Motion carried unanimously.

KONA-SOUTH ESTATES SUBDIVISION - The Executive Secretary reported that the Subdivider has not replied to the November 26, 1965 letter requesting clarification.

The Commission accepted the status report on this registration.

CONDOMINIUMS (Sec. 170A-1. through 170A-44.)

REGISTRATION NO. 114 - KAIMUKIAN

Final Public Report issued January 5, 1966.

REGISTRATION NO. 115 - HALE KAI (Maui)

Final Public Report issued January 6, 1966

REGISTRATION NO. 116 - KAM APARTMENTS

Final Public Report issued January 17, 1966

The above information on registrations carried over from the previous meeting was accepted by the Commission.

DECLARATORY RULING NO. 1 - The ruling, signed by the Chairman and effective December 14, 1965 is made a part of these minutes.

(See attached exhibit.)

The Commission accepted the Executive Secretary's report that the distribution list was as follows: Developers with pending filings; Honolulu Board of Realtors; Real Estate Association of Hawaii; Escrow Association of Hawaii; Escrow Companies; Lending Institutions (Savings & Loan Associations, Banks); Federal Housing Administration; Bureau of Conveyances, State of Hawaii; Department of Taxation, State of Hawaii; Department of Regulatory Agencies, (Business Registration Division); Planning Commissions and Departments; and others.

New
Business:

LICENSING

NEW CORPORATIONS, PARTNERSHIPS, DBAs and BRANCH OFFICES

UPON MOTION, the Commission ruled that the licenses tentatively authorized for the following be approved, ratifying the action of the Executive Secretary:

Corporations

C. S. CHUN & CO., INC.	Robert S. Ishikawa, RPB
B & G DEVELOPMENT CO., INC.	Haruto Tanabe, RPB
ED CHUN REALTY, INC.	Edmund L. F. Chun, RPB

Partnerships

None

DBAs

Edward G. Bly (formerly as Pali Palms Realty)
dba ISLE-WIDE REALTY

Elliott N. Magoun dba MAGOUN REALTY

Donald N. Izumi dba DON IZUMI REALTY

Branch Offices

Velva Bergevin David G. Thornton, BIC
767 Kailua Rd., Room 5, Kailua

Kenneth K. Kawada Harvey H. Nakagawa, BIC
803 Kamehameha Highway, Pearl City

Motion carried unanimously

SUBDIVISIONS

UPON MOTION, the Commission accepts as completed, the Subdivision Registration Statements on the following:

MAKAKILO CITY UNIT IX SUBDIVISION

HAUULA HEIGHTS UNIT II SUBDIVISION

Motion carried unanimously.

Registration statement has been received on the following out-of-state subdivision:

DESERT HIGHLANDS TRACT SUBDIVISION

City of Cabazon, Riverside County, California; 356 residential lots; subdivider, Cabazon Homes, Inc. (Ben Greenblatt, President, 12444 Victory Blvd., Suite 303, North Hollywood, California); selling broker--no broker identified in registration, tract being sold by owners.

CONDOMINIUMS - Notices of Intention have been submitted on:

(UNASSIGNED) THE KAHALA BEACH
(UNASSIGNED) LILIUOKALANI PLAZA
(UNASSIGNED) TROPICANA VILLAGE-MAUKA
(UNASSIGNED) HALE O KONA

REGISTRATION NO. 9 - KAUAIAN HYATT HOUSE

CIVIL NO. 636, CIRCUIT COURT OF THE FIFTH CIRCUIT - State Savings & Loan Association, Plaintiff v. Kauaian Development Company, Inc. et al, Defendants.

The Executive Secretary capsulized the court proceedings to date and his participation as a witness subpoenaed by the Plaintiff.

Investiga-
tions:

RE-202 RALPH MATSUDA - The Deputy Attorney General, Mr. Peterson, will study the accuracy and reliability of the facts on which the investigation report was made. He will explore the possibility of initiating injunctive action against Mr. Matsuda, who allegedly abused the law in using the power of attorney apparatus in its broadest form.

RE-198 VIOLET KING - The Commission was of the opinion that based on the information and facts reported in the investigation report, there was a breakdown in negotiations and this stalemate led to one of the parties electing to pursue a course of breaching the contract. The commissioners noted that there appears no grounds on which to proceed against the respondent-licensee.

The Executive Secretary is to check into the earlier agreement entered into by Robert W. B. Chang, Attorney, and the Commission whereby Mr. Chang accepted the responsibility of supervising Mrs. King's action and conduct in realty matters. The question of whether the sponsorship understanding was still in effect at the time of this alleged misconduct and its application to this case will be discussed at the next meeting.

RE-200 VILLA MARINA - The Developers, D&S PACIFIC, are to be advised that the Commission concludes that there was a violation of Condominium Rule No. 9 and that prosecution had been considered. However, because the subject promotional material was filed promptly and the Developer demonstrated a sincere willingness to cooperate, no disciplinary action is to be taken at this time.

The Commission's position is to be made a part of REGISTRATION NO. 78 file.

Miscellaneous:

OUT-OF-STATE LAND SALES - The Deputy Attorney General, Mr. Peterson, will scrutinize Sec. 170-30. through 170-38. to determine if the definition part of the statute could embrace his position that even though the scheme or plan, or lots, or units are not adjoining/ abutting/next to or contiguous, the Chapter should be interpreted

to bring such offerings into the Commission's jurisdiction. It was agreed that counsel would probe this matter further and review his findings informally before proceeding to construct an opinion.

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The Deputy Attorney General noted that he was prepared to draft amendments to Chapter 170A which could be introduced as an Administration-sponsored enactment. The general scope of counsel's additions, deletions or corrections is as follows: Definitions; Use of term "Condominium"; Eliminate term "substitute" report; Selling on Preliminary Report; Misleading Statements and Material Omissions; Criminal Sanctions Separate; and Cease and Desist Orders, etc.

The Commission agreed to move for the introduction of the drafted bill at the early stages of the Legislature.

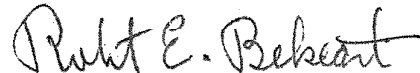
ANTELOPE VALLEY LAND INVESTMENTS, INC.

The Commission heard the Deputy Attorney General's report on the background of his letter to Mr. Hashimoto, Director, Department of Regulatory Agencies. The separate investigation conducted by Department of the Attorney General personnel and the subsequent report from the Consumer Protection and Anti-Trust Division to the Director was studied. It was agreed that a letter be directed to the firm directing them to register all lots in Antelope Valley which are being sold under this scheme and such registration must be on file within twenty (20) days. The subdivider is to be advised that if he does not comply this matter will be referred to the Attorney General for appropriate injunctive action.

Date of

Next Meeting: The Commission is to assemble at 10:00 a.m., Friday, February 18, 1966 for the purpose of hearing the Jack Matsuzaki case.

Adjournment: There being no further business to transact, the Chairman declared the meeting adjourned at 5:10 p.m.



ROBT E. BEKEART
Executive Secretary

APPROVED BY THE COMMISSION:

JACK K. PALK, Chairman

REB:km (Mimeographed and distributed by Hannah Furuta)
2/18/66